

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 4, 2014

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Steve Loss, Navarro and Wright Engineers; and Watson Fisher, SWAN.

Pledge of Allegiance

Mrs. Lindsey led in recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the November 19, 2013 and workshop meeting and the December 17, 2013 and January 6, 2014 business meetings. Mr. Hornung seconded the motion, and a unanimous vote followed.

Public Comment

No comments were provided.

Chairman and Board Member's Comments

Mr. Hawk noted that the Township has implemented various behind the scenes actions in the event the ice storm hits the area tonight into tomorrow.

Mrs. Lindsey wanted to thank the Public Works Department for the great job that they are doing. She noted that she rode with members from that Department two weeks ago and commented that they work long hours and are doing a good job. She explained that it would be

very helpful if the residents would remove their vehicles to their driveways and get them off of the street to help with the plowing activities.

Mr. Hawk noted that many people call to complain about the snow plow that plows their driveways shut. He explained when you open your driveway, you created an open spot and the plow has no choice but to push snow in the open space. He noted that people should not shovel out the last two feet and then the plow can come through and then you only have to shovel once.

Boys Scouts

Mr. Hawk introduced Jacob Yetter, Assistant Patrol Leader and Jeffrey Gleiter, Troop Scribe who are present from Troop 302, Calvary United Methodist Church who are working on their “Citizenship in the Community” Badge. He noted that both boys are accompanied by their Assistant Scout Master, Don Yetter. Mr. Yetter thanked the Board for having the Scouts at their meeting.

Mr. Crissman explained that the television time will not occur tonight as the Township is unable to televise the meeting due to technical difficulties. Mr. Hawk noted that the Scouts are welcome to come back at any time.

Mr. Hornung thanked Mr. Yetter for taking his valuable time to work with the youth. He noted that the world is in need of quality leadership and he thanked him for his time and effort.

Mrs. Lindsey noted that the Boy Scout Troop is out of her church and on Sunday, the boys participated in Boy Scout Sunday and assisted during the service. She noted that Mr. Yetter had told her that the Troop has been in existence for about one year, has eleven members, and they have completed 170 hours of community service. She appreciated their efforts.

Oath of Officer to New Police Officers

Public Safety Director David Johnson explained that the two men, Ryan Kimmel and Moises Vargas are Police Cadets as they are attending the Police Academy at this time and will graduate on June 5, 2014.

PSD Johnson provided a brief background for Ryan Kimmel and Moises Vargas prior to Mr. Hawk administering the Oath of Office to them. The entire Board joined Mr. Hawk in the swearing in process. Mr. Seeds noted that the men were hired through a collaborative effort on behalf of the Capital Region Council of Governments. PSD Johnson noted that there were well over 300 candidates and the Department conducted over 50 interviews.

Manager's Report

Mr. Wolfe noted the meeting is not being televised this evening due to a power failure that occurred in the building yesterday that took down the TelVue Server. He noted that a new server is on order and the Township should be live on TV for the February 11th Workshop session.

Mr. Wolfe noted that there is a significant possibility that the Municipal Center may be closed tomorrow morning for non-essential personnel as the icing event hits Central Pennsylvania. He noted that information will be posted on the web page, through press avenues and the phone message system. He noted that essential personnel will be working normal hours in the building tomorrow to take telephone calls. Mr. Crissman requested the representative from The Patriot News to communicate with Mr. Wolfe to get the information on Penn Live.

OLD BUSINESS

Action on an appointment to the Community Engagement Committee

Mr. Hawk explained that he received a recommendation from the Community Engagement Committee requesting the Board to appoint Thomas Thomas to fill a vacancy for

that Committee. Mr. Crissman made a motion to appoint Thomas Thomas to fill a one-year term for the Community Engagement Committee. Mrs. Lindsey seconded the motion and a unanimous vote followed.

NEW BUSINESS

Change Order #2 for the Spring Creek 1E and 1G sanitary sewer trunk line replacement project

Mr. Wolfe noted that the change order provides for the completion and final project close out of Spring Creek 1E and 1G sanitary sewer trunk line replacement project. He noted that the original contract price for this was \$2,139,605 and there was one prior approved change order to date in the amount of \$69,609. He explained that this change order is for the actual quantities installed in the field. He noted when staff bids a job, it is based on estimated quantities and contractor's bid per quantity unit price in their bid based upon the estimate. He noted that although the estimate was increased in the amount of \$367,557.07, it is based upon actual quantities of items installed in the field at the bid rate and not at a marked up rate. He noted that it reflects the work that has been completed. He stated that the change order has been reviewed by staff and engineer and found to be complete and is ready for Board approval.

Mr. Crissman made a motion to approve Change Order #2 for the Spring Creek 1E and 1G sanitary sewer trunk line replacement project in the amount of \$367,557.07 increasing to total amount of the contract to \$2,577,062.07. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Change Order #1 for the Beaver Creek 6A, 6B, and 6C sanitary sewer mini-basin replacement project

Mr. Wolfe noted that this change order is requested by staff and not the contractor. He noted that staff would like to include additional work at the per unit price for materials into this

contract. He noted that the contract amount is \$5,959,359 and the extra work that staff proposes to add is estimated to total \$752,733.40. He noted that it is staff's proposal that the Board add this into mini-basin Beaver Creek 6B work as it was not originally designed at the time the project went to bid. He noted that it is designed now and complete for a separate bid or for inclusion in this project. He noted that the low bid amount for this project was very competitive and the unit costs are very acceptable to staff and engineer; therefore, and it is staff's recommendation to include this additional work in the ongoing contract that the Authority currently has with Doli Construction in the Beaver Creek area.

Mr. Wolfe noted that Mr. Weaver provided a brief memorandum that supports the inclusion of this new work into this contract.

Mr. Crissman noted that Mr. Wolfe indicated that 6 B is the add-on. He questioned if 6 C is also part of the add-on. Mr. Wolfe replied that 6 B and 6 C are the add-ons. He noted that it is the area of Hampton Court Road, Windsor Road and Devonshire Road in the Beaver Creek 6 B area. He noted that it is only a portion of 6 B.

Mr. Crissman made a motion to approve Change Order#1 for the Beaver Creek 6 A, 6 B, and 6 C sanitary sewer mini-basin replacement project with an increase of \$752,733.40 for a total of \$6,712,092.40. Mrs. Lindsey seconded the motion. Mr. Hawk called for a roll call vote and a unanimous vote followed.

Addendum to the agreement with Maser Consulting to expand the
Township's VueWorks GIS system to the Sewer Department

Mr. Wolfe noted that this expenditure is included in the 2014 Budget for the Lower Paxton Township Authority. He noted that the total cost is \$44,940, with a not-to-exceed amount based upon time and materials. He explained that the Township currently uses the VueWorks Program for its GIS and Property Maintenance Systems. He noted that Dianne Moran in Community Development and Amanda Mitchell, Codes Enforcement Officer, uses it very heavy

for property maintenance issues and both Mr. Robbins and Mr. Miller use it for stormwater issues. He noted that the use of this program will be significantly heavier by the Sewer Department as they would like to replace the current GIS system which is based upon the Geo Plan that is no longer supported by the manufacturer as well as a GF Man Data Base which created the Geo Plan. He noted that along time ago, the Geo Plan was an offshoot of a Gannett Fleming service that the Township obtained in the 1990's. He noted that the Sewer Department has a third database, the billing software which creates a geographic database as well.

Mr. Wolfe noted that what is proposed for this project is two-fold, the use of VueWorks property management and asset management software in the Sewer Department but it will also take the GIS System, Geo Man System, and the Logics database for property billing and combine them all into one usable database that is housed under one platform and is available to all Township Departments. He noted that it is staff's recommendation that the Board accept the proposal, noting that the data conversion costs from the existing three legacy software systems are approximately 50% of the cost with the remainder being infrastructure management software system, project management, staff training, and the development of individualized reports and processes for the Sewer Department.

Mr. Crissman made a motion to approve the Addendum to the agreement with Maser Consulting to expand the Township's VueWorks GIS system to the Sewer Department with a not-to-exceed amount of \$44,940. Mr. Hornung seconded the motion.

Mr. Hornung noted that this is awesome as there are certain projects best done when the business is slow and this is one of them. He noted that it will provide a great advantage when the business speeds up as it will reduce manpower and provide for more efficiency. He noted that he wanted to commend staff for doing this at this time. Mr. Wolfe noted that they were forced to do this as the legacy systems that the Authority was using were limping by and are finally failing.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 14-03; authorizing the destruction of specific municipal records

Mr. Hawk noted that the Municipal Records Manual is rather clear for what records should be maintained and what records can be destroyed.

Mr. Wolfe noted that the list of records to be destroyed is attached to the resolution as an exhibit. He noted that it is primarily old financial records.

Mr. Crissman made a motion to approve Resolution 14-03; authorizing the destruction of specific municipal records. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 14-05; amending the Township's Procurement Procedures

Mr. Wolfe explained that last year, the Pennsylvania State Legislature approved and the Governor signed Act 89 that raised the prevailing rate for bridge and highway projects from \$25,000 to \$100,000. He noted that the Governor also signed Act 95 that allows local governments to purchase used equipment from government agencies and council of governments without advertising for bids or obtaining price quotations. He noted that both are applicable to the Township of the Second Class and for the Township to be able to use them it must include them in the procurement policies and procedures. He noted that this resolution will authorize the amendment of the procurement policy to include the provisions of these two acts.

Mr. Crissman made a motion to approve Resolution 14-05; amending the Township's Procurement Procedures. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Preliminary/final subdivision plan for the Robert Leo Property

Mr. Wolfe noted that the Township has received a plan that proposed to subdivide the existing property into two lots. He noted that no construction, earthmoving or building activities

are proposed as part of this plan, and the property is zoned R-1, Low Density Residential District, consisting of 3.52 acres and is served by public sewer and public water. The property is located south of Lyters Lane, and east of 67th Street. He noted that Lot 1 will contain 2.16 acres and Lot 2 will contain 1.19 acres, and the plan differentiates between gross acres and net acres and for both the plan complies with the Township's zoning requirements for setbacks and line area. He noted the difference between the gross and net is the plan and the parcels have a deed restriction that reads to centerline of road but does not include the road right-of-way, but when you subtract out the road right-of-way you have net area. He noted under those circumstances, the plan and the parcels to be created comply with lot area requirements.

Mr. Wolfe noted on December 4, 2013 the Planning Commission recommended approval of the plan. The Commission also recommended approval of the preliminary plan waiver and waiver of sidewalk with the plan notes that sidewalk would be constructed when future adjacent development occurs.

Mr. Wolfe noted that there are two waiver requests: Waiver of the requirement to provide a preliminary plan submission which staff supports and waiver of the requirement to provide sidewalks. He noted that the applicant will provide that a note be added to the plan that sidewalk will be required to be installed by the applicant if future subdivision in the adjacent areas occurs.

Mr. Wolfe noted that the one site specific condition listed is that upon approval, the Dauphin County Tax Assessment office will need to be notified of the subdivision in order to acquire parcel numbers for the new lots. The new parcel numbers shall be identified on the cover sheet of the plan to comply with plan recording procedures. He noted that there are five general conditions.

Mr. Crissman questioned if staff supports the waiver of sidewalks and note for the plan.

Mr. Wolfe answered that staff has no opinion for or against the waiver as the installation of sidewalks is a policy matter that the Board has struggled with for year.

Mrs. Lindsey explained when the plan came before the Planning Commission, it was determined that there was no need to have them install sidewalks. He noted that we didn't want people walking along that roadway now. He noted that the developer agreed to install the sidewalk at a later date when they build on the property.

Mr. Steve Loss, Navarro and Wright Consulting Engineers, explained that he prepared the subdivision plan for Mr. Leo. He noted that there are very few items left to resolve for the plan, noting that the sidewalk issue was discussed with the Planning Commission and Mr. Leo had no issue with adding a note to the plan.

Mr. Seeds noted that this originally was brought to the Board as a five-plot subdivision plan. Mr. Loss noted that plan was withdrawn and the subdivision plan before you tonight splits the two residences that already exist with no development proposed with this plan. Mr. Seeds noted that the signage for the five-lot subdivision is still on the property. Mr. Loss noted that he would inform Mr. Leo of that.

Mr. Seeds questioned if this plan is adjacent to the Maiden Creek Development. Mr. Loss answered yes. Mr. Seeds noted that Maiden Creek has sidewalks at the entranceway. Mr. Loss agreed.

Mr. Crissman questioned Mr. Loss if he had the same documents in front of him that the Board members have. Staff provided Mr. Loss with a copy of the document.

Mr. Crissman questioned in regards to waiver request number two, he noted that the sentence reads: "A note shall be provided that sidewalks will be required to be installed by the

applicant if future subdivision in the adjacent areas occurs.” He questioned Mr. Loss, does the word adjacent and contiguous mean the same. Mr. Loss noted that he would have to look at the definitions for both, suggesting that they aren’t the same. Mr. Crissman noted that he wanted to make sure that it was very clear on Mr. Loss’s part that it is the area next door, meaning adjacent, meaning contiguous, they are side-by-side. He noted that the next property line is the impetus for building the sidewalk. He noted to make sure Mr. Loss was clear on that. Mr. Loss answered that he was clear on that.

Mr. Crissman questioned Mr. Loss if he could speak on behalf of the applicant. Mr. Loss answered yes. He noted that he will not give an answer if he is not comfortable.

Mr. Crissman noted that Mr. Loss is in agreement with the two waiver requests now that we have clearly identified what it means.

Mr. Crissman questioned if Mr. Loss has met or will meet within a reasonable amount of time the one site specific condition. Mr. Loss answered yes.

Mr. Crissman questioned if Mr. Loss has met or will meet the five general conditions within a reasonable time especially number five that includes the two items addressed in HRG’s memo dated January 7, 2014. Mr. Loss answered that they may not have all been address currently but they will be.

Mr. Crissman made a motion to approve the Preliminary/final subdivision plan for the Robert Leo Property with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan submission; 2) Waiver of the requirement to provide sidewalks. He noted that the applicant will provide a note to be added to the plan that sidewalk will be required to be installed by the applicant if future subdivision in the adjacent areas occurs; 3) The Dauphin County Tax Assessment office will need to be notified of the subdivision in order to acquire

parcel numbers for the new lots. The new parcel numbers shall be identified on the cover sheet of the plan to comply with plan recording procedures; 4) Plan approval shall be subject to payment of recreational fee-in-lieu for one lot (\$2,320); 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Provide an automatically renewable improvement guarantee; and 8) Plan approval shall be subject to addressing all comments of HRG's memorandum dated January 1, 2014. Mrs. Lindsey seconded the motion.

Mr. Seeds noted when he asked about Maiden Creek, there are sidewalks there, and he is in favor of the waiver but he did not think the language in this case is proper. He noted when it states that any future development contiguous or adjacent, there is a issue because we already have adjacent sidewalks. He suggested that the waiver should state that future land development of the parcels because we already have adjacent sidewalk. He noted that it is ambiguous. He noted that he is in favor of the waiver as it is not needed at that location at this point.

Mr. Hawk noted that the intent is clear. Mr. Wolfe suggested that you may be better off suggesting a specific distance as opposed to stating adjacent area. Mr. Loss explained that the note on the plan states: “ A waiver to section 180-508 of the Lower Paxton Township Subdivision and Land development Ordinance has been granted for this subdivision plan; however a future subdivision of this land proposes sidewalks in accordance with this ordinance section will be required at that time.” He suggested that is what you are driving at; that he is focusing on this property because he is not adding any density to the property but if he would try to go back to the five lot subdivision that he had in before or more, then he would have to put sidewalk at the Board’s discretion.

Mr. Seeds noted the way it stands now...is there a home on each lot. Mr. Loss answered yes. Mr. Seeds noted that as it stands now, you would have a waiver and that is fine with him;

however, but if the owner of either lot decides to demolish the existing home and build another home, that wouldn't kick in. He noted that it would only say future subdivision so we could leave it that way instead of confusing it with adjacent areas. Mr. Seeds noted that we need to remove the adjacent areas and go with future subdivision. Mr. Hawk noted that we would need an amendment to the motion.

Mr. Seeds made an amendment to the motion to change the wording from adjacent areas to future subdivision. Mr. Crissman questioned if it should read: "noted that the applicants will provide that a note to be added to the plan that sidewalk will be required to be installed by the applicant if future subdivision occurs", removing the words, in the adjacent areas. Mr. Stine noted that it should state, "of the subject property". Mr. Stine noted that is the way it is intended and already written on the plan.

Mr. Crissman seconded the amendment. Mr. Hawk called for a voice vote for the amendment to the motion, and a unanimous vote followed. Mr. Hawk then called for a voice vote to the original motion and a unanimous vote followed.

Approval of a deed of dedication of a sanitary sewer easement between Lower Paxton Township and the Lower Paxton Township Authority for facilities that will traverse Township property in the Kings Crossing plan of lots

Mr. Wolfe noted that the Board approved the Charlestown Riding Subdivision Plan and a part of that approval they proposed to take their sanitary sewer line from their development into Kings Crossing through an easement right-of-way in the Kings Crossing Park. He noted this deed of dedication will provide from Township to the Township Authority the necessary right-of-way in which Charlestown Riding, at their expense will install the necessary sanitary sewer facilities. He noted that the Board discussed this in previous business meetings and the deed has been prepared for action this evening.

Mr. Crissman made a motion to approve the deed of dedication of a sanitary sewer easement between Lower Paxton Township and the Lower Paxton Township Authority for facilities that will traverse Township property in the Kings Crossing plan of lots. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 14-06; accepting the dedication of public streets in Autumn Oaks, Phase I

Mr. Wolfe noted that this resolution comes with a maintenance bond for an 18-month period which the Board will take action during the next business item. He noted that the streets have been inspected by staff and found to be installed properly. He noted that the developer has provided the required final release and waiver of liens. He noted that until the Board takes action on Bur Court, Silver Maple Drive, Pin Oak Drive north and south, and Autumn Oaks Drive, the roads can not be maintained by the Township. He noted that the developer is anxious for the Board to take action. Mr. Hornung questioned if will this occur tomorrow and is staff prepared to do this. Mr. Wolfe answered that this has been communicated with the Public Works staff and they are aware of this possible action.

Mr. Crissman made a motion to approve Resolution 14-06; accepting the dedication of public streets in Autumn Oaks, Phase I. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Improvement Guarantee

Mr. Hawk noted that there were three Improvement Guarantees.

Estates of Autumn Oaks

An extension in an escrow with Lower Paxton Township, in the amount of \$8,000.00, with an expiration date of February 4, 2014.

Kings Crossing, Phase C

A reduction in a letter of credit with Fulton Bank, in the amount of \$21,741.89, with an expiration date of February 4, 2014.

Wilshire Estates, Phase I

A reduction in a letter of credit with Jonestown Bank and Trust Co., in the amount of \$293,700.00, with an expiration date of December 10, 2014.

Maintenance Agreement

Mr. Hawk noted that there was one Maintenance Agreement.

Autumn Oaks, Phase I

A new letter of credit with Farmers and Merchants Trust Company, in the amount of \$129,690.38, with an expiration date of May 20, 2015.

Mr. Crissman made a motion to approve the three improvement guarantees and one maintenance agreement. Mrs. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Seeds made a motion to adjourn the meeting, and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

William L. Hornung
Township Secretary